



00862.022493

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: S. Chawan
Shigeki MATSUTANI)	
	:	Group Art Unit: 2625
Application No.: 10/052,463)	
	:	
Filed: January 23, 2002)	
	:	
For: INFORMATION PROCESSING)	March 14, 2006
METHOD AND APPARATUS	:	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.181 FOR WITHDRAWAL
OF
ERRONEOUS NOTICE OF ABANDONMENT

Sir:

Applicant has received a Notice of Abandonment dated January 6, 2006, which states that this application has been abandoned for failure to timely file corrected drawings in response to the Notice of Allowability mailed July 13, 2005.

However, Applicant submits that corrected drawings were submitted prior to the mailing of the Notice of Allowability, and the Examiner approved those corrected drawings. Therefore, no corrected drawings were actually required in response to the Notice of Allowability, and the Notice of Abandonment was issued in error and should be withdrawn.

STATEMENT OF FACTS

In an Office Action mailed December 14, 2004, the Examiner objected to Figures 14-22 as not containing the legend "Prior Art." In accordance with PTO rules, the Examiner indicated that corrected drawings bearing the label "Replacement Sheet" were required in response to the Office Action to avoid abandonment of the application.

In response to the Office Action and in compliance with PTO rules, Applicant submitted nine replacement sheets of formal drawings with the Amendment filed March 14, 2005. Attached is a copy of the date-stamped PTO postcard, acknowledging receipt of the replacement sheets.

Also attached is a copy of the Notice of Allowability mailed July 13, 2005. As clearly shown in item 3 on page 2, the Examiner expressly approved the corrected drawings submitted on March 14, 2005: "*Drawings filed on 3/12/02 and 3/14/05 have been approved by the Examiner.*" Thus, the required corrected drawings were submitted on March 14, 2005, and were expressly approved by the Examiner in the Notice of Allowability. Although box 6(b) on that Notice was checked to require submission of corrected drawings, that checkmark is clearly an error and no corrected drawings were in fact required in response to that Notice.

Accordingly, Applicant submits that the required replacement sheets of corrected drawings were timely submitted prior to the mailing of the Notice of Allowability, and that the Notice of Abandonment was issued erroneously.

CONCLUSION

The Notice of Abandonment is premised on incorrect facts – (i) that the Notice of Allowability required submission of corrected drawings and (ii) that Applicant did not submit corrected drawings -- and therefore is erroneous. Withdrawal of the erroneous Notice of Abandonment and passage of this application to issue are respectfully requested.

FEE

Applicant submits that no fee should be required for this petition because the erroneous notice of abandonment was issued due to the PTO's error. However, the Commissioner is authorized to charge any required petition fee to Deposit Account No. 06-1205.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicant
Brian L. Klock
Registration No. 36,570

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
BLK/



MAR 14 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date 3/14/2006
Mo. Day Yr.

Atty. Docket 00862-022493
Application No. 10/1052,963

Sir:

Kindly acknowledge receipt of the accompanying:

Response to Official Action. 12/14/2004

Check for \$ 100.00 (claims fee)

Petition under 37 CFR 1.136 and Check for \$ _____

Notice of Appeal and Check for \$ _____

Information Disclosure Statement, PTO-1449 and _____ documents

Claim for priority and certified copies of _____ priority applications

Issue fee transmittal and Check for \$ _____

Other (specify) Fee Transmittal Sheet; Nine Replacement Sheets of formal drawings
by placing your receiving date stamp hereon and returning to deliverer.

00-0-0-0

Atty. Bill May Due Date 3/14/2005



MAR 14 2005

Art Unit: 2625



DETAILED ACTION

Response to Amendment

Applicant's amendment filed on March 14, 2005 has been entered.

In response to applicant's amendment claims 1-24 are now allowed.

Claims 23 and 24 are added new.

Claims 1 - 24 are pending in the application.

In response to applicant's submission of Replacement of Drawings sheet filed on 3/14/05, the objections are withdrawn.

Response to Arguments

2. Applicant's arguments filed on March 14, 2005 have been fully considered and are persuasive.

Drawings

3. Drawings filed on 3/12/02 and 3/14/05 have been approved by the Examiner.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on April 16, 2002, June 11, 2002 has been considered by the examiner.

Reason For Allowance

5. The following is an examiner's statement of reasons for allowance:

Claims 1-24 are allowed.

As pointed out by the applicant's arguments, see page 10, lines 18-20, filed on March 14, 2005 with respect to claims 1 -24 have been fully considered and are persuasive. Claims 1 -24 has been withdrawn from the rejection and are allowed.